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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	CASE NO. CR.S-04-312 FCD
)	
Plaintiff,)	MOTION TO DISMISS INDICTMENT
)	WITHOUT PREJUDICE; ORDER
v.)	
)	
LEONARD C. WHEELER,)	DATE: April 18, 2005
)	TIME: 9:30 a.m.
Defendants.)	COURT: Hon. Frank C. Damrell, Jr.
)	

Motion to Dismiss

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, plaintiff United States of America, by and through its undersigned counsel, moves to dismiss without prejudice the indictment in this case. The government and the defendant have entered into a twelve-month deferred prosecution agreement.

DATED: April 15, 2005

McGREGOR W. SCOTT
United States Attorney

by /s/
SAMANTHA S. SPANGLER
Assistant U.S. Attorney

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Order

Good cause appearing therefor, the indictment in this case is dismissed without prejudice.

IT IS SO ORDERED.

DATED: April 15, 2005

/s/ Frank C. Damrell Jr.
FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT COURT